

***** PUBLIC DOCKET *****

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:21-cv-00315-JRS-MKK**

BLUE v. BEDWELL

Assigned to: Judge James R. Sweeney II

Referred to: Magistrate Judge M. Kendra Klump

Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/16/2021

Jury Demand: Plaintiff

Nature of Suit: 555 Prisoner Petitions -
Prison Condition

Jurisdiction: Federal Question

Plaintiff

JEREMY BLUE

represented by **JEREMY BLUE**

245250

WABASH VALLEY - CF

WABASH VALLEY CORRECTIONAL
FACILITY - Inmate Mail/Parcels

6908 S. Old US Hwy 41

P.O. Box 1111

CARLISLE, IN 47838

PRO SE

V.

Defendant

DANIEL BEDWELL

represented by **Christopher Douglas Cody**

HUME SMITH GEDDES GREEN &
SIMMONS

54 Monument Circle

4th Floor

Indianapolis, IN 46204

(317) 632-4402

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ATTORNEY TO BE NOTICED

Georgianna Q. Tutwiler

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/16/2021	<u>1</u>	COMPLAINT against DANIEL BEDWELL, filed by JEREMY BLUE. (No fee paid with this filing) (Attachments: # <u>1</u> Exhibit)(TPS) (Main Document 1 replaced for quality of scan on 12/6/2021) (JRT). (Entered: 08/17/2021)
08/16/2021	<u>2</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff JEREMY BLUE. (Attachments: # <u>1</u> Exhibit)(TPS) (Entered: 08/17/2021)
08/17/2021	<u>3</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (TPS) (Entered: 08/17/2021)
08/18/2021	<u>4</u>	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. Copy distributed to Plaintiff via US Mail. (TMC) (Entered: 08/18/2021)
08/19/2021	<u>5</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis to the extent that the plaintiff is assessed an initial partial filing fee of one hundred five dollars and twenty-three cents (\$105.23). The plaintiff shall have through September 20, 2021, in which to pay this sum to the clerk of the district court. Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 8/19/2021. (KAA) (Entered: 08/19/2021)
08/27/2021	<u>6</u>	MOTION for Reconsideration re <u>5</u> Order on Motion for Leave to Proceed in forma pauperis, filed by Plaintiff JEREMY BLUE. (AAS) (Entered: 08/27/2021)
10/04/2021	<u>7</u>	ORDER granting <u>6</u> Motion for Reconsideration. Plaintiff will be granted a waiver of payment of the initial partial filing fee in this case. Although Plaintiff is excused from pre-paying the full filing fee, he still must pay the three hundred and fifty (\$350.00) filing fee. Copy sent to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 10/4/2021. (TPS) (Entered: 10/04/2021)
12/06/2021	<u>8</u>	ORDER Dismissing Complaint and Opportunity to Show Cause - The plaintiff's complaint must be dismissed for each of the reasons set forth above. The plaintiff shall have through January 4, 2022, in which to show cause why Judgment consistent with this Order should not issue or to file an amended complaint addressing the deficiencies noted in this Order. Copy sent to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 12/6/2021.(TPS) (Entered: 12/06/2021)


12/14/2021	<u>9</u>	RESPONSE to <u>8</u> Order to Show Cause, filed by Plaintiff JEREMY BLUE. (TPS) (Entered: 12/14/2021)
01/05/2022	<u>10</u>	ORDER Directing Plaintiff to File an Amended Complaint - The plaintiff shall have through February 4, 2022, in which to file an amended complaint containing these allegations. (SEE ORDER.) Copy sent to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 1/5/2022.(TPS) (Entered: 01/05/2022)
01/19/2022	<u>11</u>	AMENDED COMPLAINT against DANIEL BEDWELL, filed by JEREMY BLUE. (Attachments: # <u>1</u> Exhibit)(AAS) (Entered: 01/19/2022)
04/01/2022	<u>12</u>	Correspondence REQUESTING COPY of Case Docket Sheet, filed by JEREMY BLUE. Copy/Copies provided via US Mail. (Attachments: # <u>1</u> Public Docket Sheet, # <u>2</u> Envelope) (KAA) (Entered: 04/01/2022)
04/14/2022	<u>13</u>	Order Screening Amended Complaint and Directing Service of Process - If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through May 10, 2022, in which to identify those claims. The clerk is directed to issue process to defendant Bedwell. The clerk is directed to send a courtesy copy of the service documents to attorney Christopher Cody. See Order. Copies mailed per distribution list. Signed by Judge James R. Sweeney II on 4/14/2022.(KAA) (Entered: 04/15/2022)
04/15/2022	<u>14</u>	NOTICE of Lawsuit & Waiver Issued by Clerk upon: Daniel Bedwell. (KAA) (Entered: 04/15/2022)
04/15/2022	<u>15</u>	Order Directing Prisoner Payment - The plaintiff's request to proceed in forma pauperis was granted. No initial partial filing fee was assessed. However, plaintiff is still obligated to pay the full three hundred and fifty dollars (\$350.00) filing fee. Plaintiff's custodian is directed to withhold sums from the inmate trust account of JEREMY BLUE, 245250, and to forward such sums to the Clerk of this Court. As of the issuance of this Order, the balance of the filing fee still due in this case is\$350. Copies to plaintiff and Warden via US Mail. Signed by Judge James R. Sweeney II on 4/15/2022.(KAA) (Entered: 04/15/2022)
04/21/2022	<u>16</u>	NOTICE of Appearance by Christopher Douglas Cody on behalf of Defendant DANIEL BEDWELL. (Cody, Christopher) (Entered: 04/21/2022)
04/21/2022	<u>17</u>	WAIVER OF SERVICE Returned Executed, filed by DANIEL BEDWELL. (Cody, Christopher) (Entered: 04/21/2022)
04/21/2022	<u>18</u>	NOTICE of Appearance by Georgianna Q. Tutwiler on behalf of Defendant DANIEL BEDWELL. (Tutwiler, Georgianna) (Entered: 04/21/2022)
04/25/2022	<u>19</u>	MOTION of Special Circumstance, filed by Plaintiff JEREMY BLUE. (JRB) (Entered: 04/25/2022)
04/26/2022	<u>20</u>	ORDER denying <u>19</u> Motion of Special Circumstance. Pursuant to 28 U.S.C. § 1914(a), the Court "shall require the parties instituting any civil action... to pay

		a filing fee." 28 U.S.C. § 1914(a); see also 28 U.S.C. § 1915(b) (requiring prisoner "pay the full amount of a filing fee" even if granted leave to proceed in forma pauperis). Therefore, the plaintiff's motion, dkt. 19 , is denied. The Court's Collection Order remains in effect. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Doris L. Pryor on 4/26/2022. (TPS) (Entered: 04/27/2022)
05/13/2022	21	MOTION Requesting Copies, filed by Plaintiff JEREMY BLUE. (AAS) (Entered: 05/13/2022)
05/16/2022	22	ORDER granting 21 Motion for Copies to the extent the clerk is directed to include a copy of the docket sheet, dkt. 11 , dkt. [11-1], and dkt. 13 with the plaintiff's copy of this Order. Signed by Magistrate Judge Doris L. Pryor on 5/16/2022. (Attachments: # 1 Copy of Dkt. 11 & 11-1, # 2 Copy of Dkt. 13) (TPS) (Entered: 05/16/2022)
05/31/2022	23	MOTION for Summary Judgment, filed by Plaintiff JEREMY BLUE. (Attachments: # 1 Exhibit)(AAS) (Main Document 23 replaced on 5/31/2022) (AAS). MOTION for Summary Judgment, filed by Plaintiff JEREMY BLUE. (Attachments: # 1 Exhibit)(AAS) (Main Document 23 replaced on 5/31/2022) (AAS). (Entered: 05/31/2022)
06/02/2022	24	ORDER - The plaintiff's motion for summary judgment, dkt. 23 , is denied without prejudice as premature. The defendants have not yet answered the complaint and discovery has not yet begun. The plaintiff may renew his motion after discovery is complete. Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 6/2/2022. (KAA) (Entered: 06/02/2022)
06/14/2022	25	<i>Defendants</i> ANSWER to 11 Amended Complaint , filed by DANIEL BEDWELL.(Tutwiler, Georgianna) (Entered: 06/14/2022)
06/21/2022	26	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Jeremy Blue. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Docket Sheet) (JRB) (Entered: 06/21/2022)
06/21/2022	27	ORDER SETTING PRETRIAL SCHEDULE AND DISCUSSING DISCOVERY IN PRISONER LITIGATION: This Order sets the schedule for how this action shall proceed. Part I sets forth the pretrial deadlines. Part II discusses various aspects of discovery. Facilitating the discovery process can be difficult, and this Order is issued in an effort to help explain and streamline the process for the parties. The parties should carefully read this Order. *SEE ORDER FOR ADDITIONAL INFORMATION*. Dispositive Motions due by 1/17/2023. Discovery due by 12/14/2022. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Doris L. Pryor on 6/21/2022.(JRB) (Entered: 06/21/2022)
06/29/2022	28	Mail Returned as undeliverable - offender rejected. 20 Order on Motion sent to JEREMY BLUE. (KAA) (Entered: 06/29/2022)

07/22/2022	29	First MOTION for Extension of Time to August 19, 2022 <i>to Respond to Plaintiff's First Set of Interrogatories</i> , filed by Defendant DANIEL BEDWELL. (Attachments: # 1 Text of Proposed Order)(Tutwiler, Georgianna) (Entered: 07/22/2022)
07/26/2022	30	ORDER granting 29 Motion for Extension of Time to Respond to Plaintiff's First Set of Interrogatories. Daniel Bedwell has to and including August 19, 2022, to respond to Plaintiff's First Set of Interrogatories. Copy sent to plaintiff via US mail. Signed by Judge James R. Sweeney II on 7/26/2022. (TPS) (Entered: 07/27/2022)
08/15/2022	31	First MOTION for Extension of Time to August 29, 2022 <i>to serve Initial Disclosures</i> , filed by Defendant DANIEL BEDWELL. (Attachments: # 1 Text of Proposed Order)(Tutwiler, Georgianna) (Entered: 08/15/2022)
08/17/2022	32	MOTION for Court Assistance, filed by Plaintiff JEREMY BLUE. (Attachments: # 1 Envelope)(KAA) (Entered: 08/17/2022)
09/01/2022	33	ORDER granting 31 Defendant's Motion for Enlargement of Time to Serve Initial Disclosures. Daniel Bedwell, has to and including August 29, 2022, to serve Initial Disclosures. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Doris L. Pryor on 9/1/2022. (TPS) (Entered: 09/02/2022)
09/09/2022	34	MOTION to Compel Discovery, filed by Plaintiff JEREMY BLUE. (KAA) (Entered: 09/09/2022)
09/26/2022	35	RESPONSE in Opposition re 34 MOTION to Compel <i>Discovery</i> , filed by Defendant DANIEL BEDWELL. (Cody, Christopher) (Entered: 09/26/2022)
09/26/2022	36	<i>Submission Declaration that party was unable to File in a Timely Manner Due to Technical Difficulties</i> , filed by Defendant DANIEL BEDWELL. (Cody, Christopher) (Entered: 09/26/2022)
10/04/2022	37	REPLY in Support of Motion re 34 MOTION to Compel, filed by Plaintiff JEREMY BLUE. (Attachments: # 1 Exhibit)(AAS) (Entered: 10/04/2022)
10/04/2022	38	ORDER denying 32 Motion for court assistance because the Court does not provide attorney contact information in this context. Copy to plaintiff via US Mail. Signed by Magistrate Judge Doris L. Pryor on 10/4/2022. (KAA) (Entered: 10/04/2022)
11/14/2022	39	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendant DANIEL BEDWELL (Cody, Christopher) (Entered: 11/14/2022)
11/29/2022	40	ORDER granting 34 plaintiff's Motion to Compel to the extent the defendant shall have through December 14, 2022, in which to supplement his response to reflect that he has searched Aramark files for responsive records. Such records might include employee disciplinary records, warnings, remediation plans, or any other employment record regarding the defendant's execution of his job duties relevant to the plaintiff's claim that the defendant failed to ensure that inmates received adequate portion sizes on clean trays. See Order. Copy to

		plaintiff via US Mail. Signed by Magistrate Judge Doris L. Pryor on 11/29/2022. (KAA) (Entered: 11/29/2022)
12/12/2022	41	Reassignment of Case to Magistrate Judge Mark J. Dinsmore. Magistrate Judge Doris L. Pryor is no longer assigned to this case. Please include the new case number (2:21-cv-00315-JRS-MJD), which includes the initials of the newly assigned judge, on all future filings in this matter. (CJD) (Entered: 12/12/2022)
12/13/2022	42	NOTICE of Compliance, filed by Defendant DANIEL BEDWELL, re 40 Order on Motion to Compel. (Tutwiler, Georgianna) (Entered: 12/13/2022)
12/29/2022	43	NOTICE Regarding Notice of Compliance, filed by Plaintiff JEREMY BLUE (JDC) (Entered: 12/29/2022)
01/04/2023	44	MOTION to Compel Discovery, filed by Plaintiff JEREMY BLUE. (Attachments: # 1 Exhibit)(JDC) (Entered: 01/04/2023)
01/04/2023	45	MOTION Seeking Clarification of Order Granting Motion to Compel, filed by Plaintiff JEREMY BLUE. (JDC) (Entered: 01/04/2023)
01/04/2023	46	MOTION for Summary Judgment, filed by Plaintiff JEREMY BLUE. (Attachments: # 1 Exhibit)(JDC) (Entered: 01/04/2023)
01/06/2023	47	Reassignment of Case to Magistrate Judge M. Kendra Klump. Magistrate Judge Mark J. Dinsmore is no longer assigned to this case. Please include the new case number (2:21-cv-00315-JRS-MKK), which includes the initials of the newly assigned judge, on all future filings in this matter. (CJD) (Entered: 01/06/2023)
01/06/2023	48	Correspondence REQUESTING COPY of Case Docket Sheet. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope) (JDC) (Entered: 01/06/2023)
01/12/2023	49	MOTION for Judgment , filed by Plaintiff JEREMY BLUE. (JDC) Modified on 1/13/2023 to update docket text (TPS). (Entered: 01/12/2023)
01/12/2023	50	MOTION for Court Assistance, filed by Plaintiff JEREMY BLUE. (Attachments: # 1 Envelope)(JDC) (Entered: 01/13/2023)
01/16/2023	51	RESPONSE in Opposition re 44 MOTION to Compel <i>Discovery</i> , filed by Defendant DANIEL BEDWELL. (Tutwiler, Georgianna) (Entered: 01/16/2023)
01/16/2023	52	MOTION to Consolidate Briefing Schedule, filed by Defendant DANIEL BEDWELL. (Attachments: # 1 Text of Proposed Order)(Tutwiler, Georgianna) (Entered: 01/16/2023)
01/18/2023	53	MOTION for Judgment, filed by Plaintiff JEREMY BLUE. (JDC) (Entered: 01/19/2023)
01/18/2023	54	Proposed Order Granting Motion to Consolidate Briefs - granting 52 Motion to Consolidate Brief. Defendant Daniel Bedwell shall file his response to Plaintiff's combined with his own dispositive motion, and all briefs, by February 1, 2023. Copy to plaintiff via US Mail. Signed by Magistrate Judge

		M. Kendra Klump on 1/18/2023.(KAA) (Entered: 01/19/2023)
01/20/2023	57	ORDER denying 50 Motion for court assistance because the Court does not provide legal advice to litigants and does not provide addresses or forms unrelated to the plaintiff's action in this Court. Copy to plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 1/20/2023. (KAA) (Entered: 01/24/2023)
01/23/2023	55	Correspondence REQUESTING COPY of Case Docket Sheet. Copy/Copies provided via US Mail. (JDC) (Entered: 01/24/2023)
01/24/2023	56	REPLY (Response) in Support of Motion re 44 MOTION to Compel, filed by Plaintiff JEREMY BLUE. (DWH) (Entered: 01/24/2023)
02/01/2023	58	MOTION for Summary Judgment , filed by Defendant DANIEL BEDWELL. (Cody, Christopher) (Entered: 02/01/2023)
02/01/2023	59	Designation of Evidence re 58 MOTION for Summary Judgment , filed by Defendant DANIEL BEDWELL. (Attachments: # 1 Affidavit, # 2 Exhibit A)(Cody, Christopher) (Entered: 02/01/2023)
02/01/2023	60	NOTICE of Right to Respond, filed by Defendant DANIEL BEDWELL, re 58 MOTION for Summary Judgment . (Cody, Christopher) (Entered: 02/01/2023)
02/01/2023	61	RESPONSE in Opposition re 46 MOTION for Summary Judgment and in Support of Cross-Motion for Defendant's Summary Judgment, filed by Defendant DANIEL BEDWELL. (Cody, Christopher) (Entered: 02/01/2023)
02/03/2023	62	RESPONSE in Opposition re 49 MOTION, 53 MOTION , filed by Defendant DANIEL BEDWELL. (Cody, Christopher) (Entered: 02/03/2023)
02/08/2023	63	RESPONSE re 58 MOTION for Summary Judgment , filed by Plaintiff JEREMY BLUE. (Attachments: # 1 Exhibit)(JDC) (Entered: 02/09/2023)
02/09/2023	64	RESPONSE to Notice of Compliance, filed by Plaintiff JEREMY BLUE. (Attachments: # 1 Exhibit)(JDC) (Entered: 02/09/2023)
02/21/2023	65	NOTICE of Incorporation of Argument, filed by Defendant DANIEL BEDWELL (Tutwiler, Georgianna) (Entered: 02/21/2023)
02/22/2023	66	REPLY in Support of Motion re 58 MOTION for Summary Judgment , filed by Defendant DANIEL BEDWELL. (Tutwiler, Georgianna) (Entered: 02/22/2023)
02/23/2023	67	NOTICE of Defendant's Reply to Plaintiff's Response Regarding Notice of Compliance, filed by Defendant DANIEL BEDWELL (Tutwiler, Georgianna) (Entered: 02/23/2023)
03/02/2023	68	REPLY re 63 Response, to 46 Motion for Summary Judgment, filed by Plaintiff JEREMY BLUE. (JDC) Modified on 3/6/2023 to add link to the Motion. (MEH). (Entered: 03/03/2023)
04/14/2023	69	Order Denying Plaintiff's Second Motion to Compel, Denying Plaintiff's Motions for Judgment, and Granting Plaintiff's Motion to Clarify - The

		plaintiff's motion to compel, dkt. 44 , and motions for judgment, dkt. 49 and dkt. 53 , are denied. His motion for clarification, dkt. 45 , is granted to the extent this Order addresses his questions regarding the Court's November 29, 2022 Order. SEE ORDER. Copy to plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 4/14/2023. (KAA) (Entered: 04/14/2023)
08/16/2023	70	TRIAL SETTING AND NOTICE OF FINAL PRETRIAL CONFERENCE - A Final Pretrial Conference is set for 5/9/2024 at 9:00 AM (Eastern Time) in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before Judge James R. Sweeney II. A Jury Trial is set for 5/28/2024 at 9:00 AM (Eastern Time) in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before Judge James R. Sweeney II. (See Order.) Signed by Judge James R. Sweeney II on 8/16/2023. Copy to Plaintiff via US mail. (JSR) (Entered: 08/16/2023)
08/18/2023	71	ORDER ON MOTIONS FOR SUMMARY JUDGMENT - The parties' motions for summary judgment, dkt. 46 and dkt. 58 are DENIED. This matter is set for trial on May 28, 2024. A final pretrial conference is set for May 9, 2024. Dkt. 70 . The Court will separately issue a final pretrial scheduling order. Because it is the Court's preference that the plaintiff be represented by counsel for trial or any potential settlement conference, the Court will attempt to recruit counsel to represent the plaintiff. The plaintiff shall have through September 13, 2023, in which to file a motion for recruitment of counsel or object to the recruitment of counsel on his behalf. The clerk is directed to include the motion for counsel form with the plaintiff's copy of this Order. After counsel is appointed for the plaintiff, the Magistrate Judge is requested to set a settlement conference at least one month before the final pretrial conference. SEE ORDER. Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 8/18/2023. (Attachments: # 1 Motion for Counsel Form) (KAA) (Entered: 08/18/2023)
08/23/2023	72	SCHEDULING ORDER: Telephonic Status Conference set for 12/6/2023 at 3:00 PM (Eastern Time) before Magistrate Judge M. Kendra Klump. The purpose of the conference shall be to discuss readiness for settlement conference. Counsel shall attend the conference by calling the designated telephone number, to be provided by the Court via email generated by the Court's ECF system. Signed by Magistrate Judge M. Kendra Klump on 8/23/23 (Copy mailed to Plaintiff).(LBT) (Entered: 08/23/2023)
08/25/2023	 73	MOTION to Appoint Counsel, filed by Plaintiff JEREMY BLUE. (JSR) (Entered: 08/25/2023)

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